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THE MAINE WILDERNESS ACT OF 1990

SEPTEMBER 17, 1990.—Ordered to be printed

Mr. DE LA GARZA, from the Committee on Agriculture, submitted the following

REPORT

[To accompany S. 2205 which on June 11, 1990, was referred jointly to the Committees on Interior and Insular Affairs and Agriculture]

The Committee on Agriculture, to whom was referred the bill (S. 2205) entitled the "Maine Wilderness Act of 1990", having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BRIEF EXPLANATION

The bill designates approximately twelve thousand acres in the White Mountain National Forest in Maine as the "Caribou-Speckled Mountain Wilderness" and includes it in the National Wilderness Preservation System. The bill authorizes necessary actions to control fire, insects, and diseases.

PURPOSE AND NEED

S. 2205 designates approximately 12,000 acres of land on the White Mountain National Forest in the State of Maine as wilderness for inclusion in the National Wilderness Preservation System. The area is designated as the Caribou-Speckled Mountain Wilderness.

The area designated is located within a 16,000-acre roadless area in the Evans Notch Ranger District. The White Mountain National Forest land and resource management plan recommends the 12,000 acre tract for wilderness, and allocates the remaining 4,000 acres to non-wilderness uses. Accordingly, the administration supports the bill.

The wilderness area encompasses diverse topographical features, from low-elevation river valleys to expose rocky peaks. The two most prominent peaks are Speckled Mountain (2,906 feet above sea level) and Caribou Mountain (2,840 feet). Vegetation is mixed, in-

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cluding northern hardwoods, eastern hemlock and white pine in the lower areas and spruce and fir at higher elevations. Two high elevation plant communities having unique characteristics are also included in the area. Several small streams originate in the area, which cascade down from the higher elevations to feed larger streams or lakes outside the wilderness area.

Wilderness designation is appropriate to protect the area's natural features for future enjoyment. Consistent with the Wilderness Act of 1964, the area offers outstanding opportunities for solitude and unconfined recreation. While the marks of timber harvesting common to much of the eastern United States remain in some parts of the area, the entire tract is revegetated and past human activities are substantially unnoticeable over the area as a whole.

This designation is also appropriate because of the relative sparsity of Federal wilderness areas in the northeastern United States despite the large population areas in the region in need of opportunities such areas offer. Only a dozen National Forest wilderness areas (totaling less than 175,000 acres) and 5 National Wildlife Refuge wilderness areas exist in the area between the States of Maryland and Maine.

In Subcommittee hearings on H.R. 4145, concerns were raised about the effects of the designation on the timber industry in the area. The Committee recognizes the great importance of this industry to the economy and culture of Maine, but does not believe this designation threatens the viability of the industry.

According to the Forest Service, the 12,000-acre wilderness area contains some 4,300 acres of commercial forest land, dispersed throughout the area, some of which would likely be unsuitable for harvest under environmental guidelines. This 4,300 acres represents a small fraction of the 1,200,000 acres of forest land in western Maine—and the more than 14,000,000 acres of forest land in the state. Still, because of concerns for timber availability, 4,000 acres of the best timber-growing lands in the 16,000 acre roadless area are released from wilderness consideration by the provisions of S. 2205, consistent with the forest plan. It is the Committee's view that this allocation of resources represents a reasonable balance of the competing demands on the forest.

Concern was also raised at the Subcommittee hearing by a witness from Maine regarding the general concept of wilderness. The point was raised that northern forests must be managed in order to remain healthy, and that wildlife likewise require managed forests. The Committee recognizes that forest lands, managed in a responsible manner, can remain productive and environmentally sound. However, the Committee also recognizes the need for the Nation to possess some lands which are not managed by humans, but by Nature, through various states of natural succession.

Various recreational activities occur within the area designated as wilderness, most of which will be permitted to continue. Designation will require the closure of a snowmobile trail which currently runs to the summit of Speckled Mountain. The Forest Service has indicated its intention to consider construction of a substitute snowmobile trail to a nearby summit to offset the loss of the existing trail. The Committee expects the Forest Service to follow

through with this action in cooperation with interested individuals and organizations.

S. 2205 contains the standard release language that has been incorporated into statewide wilderness bills since 1984. The purpose of this provision is to release those roadless National Forest areas in the state that are not designated as wilderness in the bill from further wilderness consideration during the present planning cycle, to allow their management for multiple uses. This language would apply to the 4,000 acres in the roadless area which are not designated as wilderness.

Concerns have been raised as to the applicability of the standard release language to the Maine case. While the standard language refers to areas that were studied in the second Roadless Area Review and Evaluation (RARE II), the Caribou-Speckled area was not included in this review. However, according to the Forest Service, the area was not studied in RARE II because the unit plan called for management in a near-wilderness dispersed recreation status, and the 16,000-acre area was re-evaluated for possible wilderness study as part of the subsequent forest planning process.

The Forest Service, in a letter to Subcommittee Chairman Volkmer, accurately describes the intent of the provision that the released lands area to be available for uses other than wilderness and that they need not necessarily be managed to protect their suitability for wilderness designation. While technically inaccurate, the Forest Service finds the standard language would not cause significant problems and, since this general language has become familiar to those interested in wilderness designation, use of the standard language will help avoid confusion.

S. 2205 contains provisions, consistent with the Wilderness Act of 1964, to clarify that Congress does not intend the wilderness designation to lead to the creation of buffer zones around the area; that the Secretary of Agriculture may take necessary actions to control fire, insects and diseases in the area; and that the bill is not intended to affect the jurisdiction or responsibilities of the State of Maine with respect to wildlife and fish in the national forests.

SECTION-BY-SECTION ANALYSIS

Section 1.—Short title

Section 1 of the bill provides the short title.

Section 2.—Designation of wilderness areas

Section 2 of the bill designates approximately twelve thousand acres of the White Mountains National Forest, as generally depicted on a map entitled "Caribou-Speckled Mountain Wilderness—Proposed" and dated January 1987, as wilderness and, therefore, as components of the National Wilderness Preservation System.

Section 3.—Maps and descriptions

Section 3 of the bill directs the Secretary of Agriculture (the "Secretary") to file a map and a legal description of the wilderness area designated by the bill with the Congress as soon as practicable after enactment of the bill. The bill bestows the map and description with the same force and effect as if included in the bill, but

authorizes the Secretary to make corrections of clerical and typographical errors in such map and description, and requires the map and description to be on file and available for public inspection with the Forest Service.

Section 4.—Administration of wilderness

Section 4 of the bill directs the Secretary, subject to valid existing rights, to administer the wilderness area designated by the bill in accordance with the provisions of the Wilderness Act governing areas designated by the Wilderness Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the date of enactment of the bill.

Section 5.—Wilderness review concerns

Section 5 of the bill provides findings of Congress and contains the standard release and sufficiency language associated with wilderness designations.

Section 6.—Prohibition of buffer zones

Section 6 of the bill provides that Congress does not intend that protective perimeters around wilderness areas in Maine will be established due to the enactment of this bill.

Section 7.—Control of fire, insects, and diseases

Section 7 of the bill authorizes such measures as may be necessary to be taken within wilderness areas designated by this bill for the control of fire, insects, and diseases, subject to applicable laws and such additional reasonable conditions as the Secretary deems desirable.

Section 8.—State fish and wildlife authority

Section 8 of the bill prohibits the constructing of anything in the bill as affecting the jurisdiction or responsibilities of the State of Maine with respect to wildlife and fish in the national forests in Maine.

COMMITTEE CONSIDERATION

I

The Subcommittee on Forests, Family Farms, and Energy held a public hearing on H.R. 4145 [1] on April 18, 1990. Testimony was received from Representatives Snowe and Brennan of Maine; Mr. George Leonard, Associate Chief of the Forest Service, Department of Agriculture; Mr. Jerry Bley, resource specialist, Natural Resource Council of Maine; Mr. Leon Favreau, president, Multiple Use Association and Bethel (Maine) Furniture Stock; and Mr. Thomas Hammond, representing the Northern Lumber Manufacturers' Association and National Forest Products Association. Representatives Snowe and Brennan, Mr. Leonard and Mr. Bley spoke

[1] S. 2205 and H.R. 4145 were introduced as companion measures. S. 2205 was introduced February 28, 1990, by Senators George J. Mitchell and William S. Cohen. H.R. 4145 was introduced February 28, 1990 by Representatives Olympia J. Snowe and Joseph E. Brennan.

in support of the bill, and Messrs. Favreau and Hammond spoke in opposition.

II

The Subcommittee met, pursuant to notice, in an open business session on April 18, 1990. Subcommittee Chairman Volkmer called the meeting to order and called up H.R. 4145. Mr. Volkmer offered an amendment to delete language in section 7 regarding the use of herbicides and the practice of reseeding a damaged area, and the amendment was agreed to. On the motion of Mr. Morrison, H.R. 4145 was agreed to by voice vote in the presence of a quorum and ordered favorably reported, as amended to the Committee.

III

S. 2205, having been approved by the Senate, was received in the House and referred to the Committee on Agriculture June 11, 1990. The bill, identical to H.R. 4145 as approved by the Subcommittee, was referred to the Subcommittee on Forests, Family Farms, and Energy June 13, 1990.

IV

The Committee on Agriculture met in open business session on July 18, 1990. Chairman de la Garza, after calling the meeting to order, recognized Mr. Volkmer. Without objection, the Subcommittee on Forests, Family Farms, and Energy was discharged from further consideration of S. 2205, which the Committee proceeded to consider. Following a discussion of the bill, Mr. Volkmer moved to report the bill, unamended, favorably to the House, and the motion was agreed to by a voice vote in the presence of a quorum.

ADMINISTRATION POSITION

At the time of the filing of this report, the Committee had not received a report from the U.S. Department of Agriculture concerning S. 2205, but the Committee has received the following report concerning H.R. 4145 (the House companion bill), entitled the "Maine Wilderness Act of 1990":

U.S. DEPARTMENT OF AGRICULTURE,
Washington, DC, April 19, 1990.

Hon. HAROLD L. VOLKMER,
Chairman, Subcommittee on Forests, Family Farms and Energy, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During the hearing yesterday on H.R. 4145, the "Maine Wilderness Act of 1990," the issue of "release language" was raised by other witnesses. After the hearing, subcommittee staff asked that we provide our views on this issue.

The Caribou-Speckled Mountain area was not included in the Roadless Area Review and Evaluation (RARE II) process that was completed in the early 1970's. After extensive public involvement, a decision was made in 1977 to manage the area for dispersed recreation uses rather than to study the area for possible wilder-

ness designation. As a result of a Ninth Circuit District Court decision (*State of California* v. *Bergland*) in 1982, we re-evaluated the 16,000-acre Caribou-Speckled Mountain area for possible wilderness study as part of the recent Forest planning process.

H.R. 4145 would designate 12,000 acres as wilderness and "release" the remaining 4,000 acres for uses other than wilderness. The release language in section 5 of H.R. 4145 is based on a congressional determination that the RARE II final environmental statement is sufficient with respect to National Forest System lands in the State of Maine. This is technically inaccurate, since the area was not included in the RARE II process.

We would prefer that section 5 be updated to base the congressional determination of "sufficiency" on the land management planning process carried out pursuant to the National Forest Management Act of 1976. We would be pleased to provide an amended version of section 5 upon your request.

However, we believe section 5, as currently drafted, makes clear the congressional intent that the released lands are to be available for uses other than wilderness and that they need not necessarily be managed to protect their suitability for wilderness designation.

In summary, the subcommittee should be aware that section 5, as currently drafted, is outdated, but in this case we do not believe this would cause significant legal problems.

Sincerely,

GEORGE M. LEONARD, *Associate Chief.*

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, or new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 2(1)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974 were not received by the Committee prior to the filing of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of S. 2205, will have no inflationary impact on the national economy.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by S. 2205.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of rule X of the Rules of the House of Representatives.

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